

Applicant: Sandia School

Agent: Decker/Perich/Sabatini

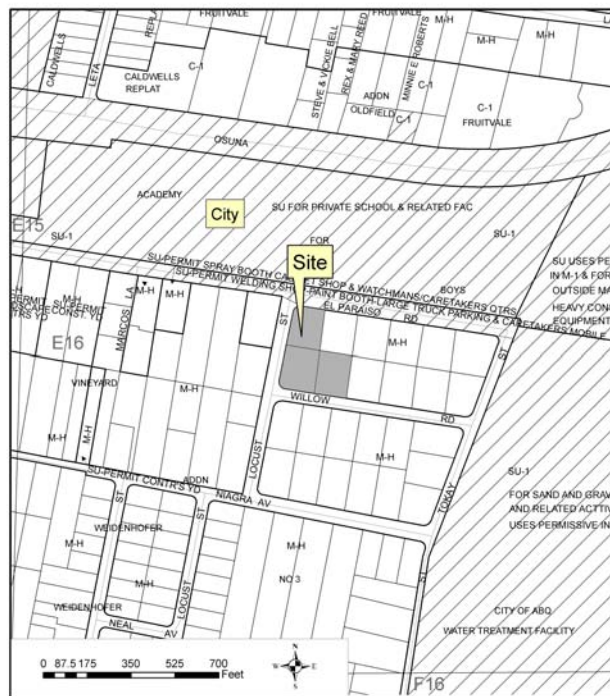
Location: 600 El Paraiso Rd. NE
606 & 609 Willow Rd. NE

Property Size: 1.54 acres (approximately)

Existing Zone: M-H

Proposed Zoning/SUP Special Use Permit for Parking Lot

Recommendation: Deferral



Summary: This request is for a Special Use Permit for Specific Use for a parking lot to be located on three parcels that total approximately 1.54 acres at the southeast corner of El Paraiso Rd. and Locust St., to the east of Edith Blvd. The parking lot would serve the Sandia Preparatory School. The property has M-H zoning, while the proposed use is permissive under O-1 zoning.

Staff Planner: Catherine VerEecke, Program Planner

Attachments:

1. Application
2. Area and Land Use Maps
3. Site Plan (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from 8/29/06 to 9/11/06. Their comments were used in preparation of this report, and begin on Page 9.

AGENDA ITEM NO.: 18
County Planning Commission
October 4, 2006

CSU-60039 Dekker/Perich/Sabatini, agent for Sandia Preparatory School, requests approval of a Special Use Permit for a Specific for Parking Lot, on Lots 1, 11 & 12, Vineyard Addition #3, located at 600 El Paraiso Road NE and 605 & 609 Willow Road NE, zoned M-H, containing approximately 1.54 acres. (E-16)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land use
	M-H	Vacant Single Family Residential
North	SU-1 for School and Related Facilities	Sandia Preparatory School
South	M-H	Single Family Residential
East	M-H	Single Family Residential
West	M-H	Single Family Residential

BACKGROUND:

The Request

The applicant is requesting a Special Use Permit for Specific Use for a Parking Lot to be constructed on a 1.54 acre property located to the east of Edith Blvd. on the south side of El Paraiso Rd., to the west of Locust St. and the north of Willow Rd. north side of Muscatel Rd. The property consists of three parcels with M-H zoning. One of the parcels is vacant and the other two are occupied with single family residences on them. The property currently is owned by Sandia Preparatory School, which is located within the City of Albuquerque to the immediate north of the subject site, across El Paraiso Rd. According to the agent, the parking area is needed as the school is renovating existing buildings, which will require eliminating some parking on the school campus and finding another location for student parking. One of the parcels has a Conditional Use Permit for a school (classroom and parking lot) (ZA-40054), although it does not appear that it is being used for that purpose at the present time.

The site plan includes 124 parking spaces, landscaping, fencing/opaque wall and on-site drainage, designed to have minimal impact on adjacent residential properties. Ingress and egress will be from two points at the northwest corner of the site along El Paraiso Rd. and Locust St.

Request justification. In the response to Resolution 116-86, the applicant states that the proposed land use will not be harmful to the area, as it will the site plan's configuration will limit potential impacts on adjacent residential properties. It is consistent with the health, safety, and general welfare of the residents of the County in that it has been a vital part of the North Valley community since 1950. There also have been changed neighborhood conditions near the site including a number of non-residential uses along El Paraiso Rd. in recent years.

Surrounding Land Uses and Zoning

Although the property is located nearby an established residential subdivision (Vineyard Addition), the general vicinity of the site has a mixture of uses. On the east side of Edith Blvd., the first five lots up to the Alameda Lateral have C-1 zoning, though many appear not to be used for retail and have either heavy commercial uses or residential uses. To the east of the lateral, several properties have contractor's yards on them under Special Use Permits (CZ-78-34; CSU-71-02).

However, the properties to the immediate east, west, and south of the subject site have single family residences on them with residential uses.

About 500 feet to the east, a property has a Conditional Use Permit for Tennis Courts owned by the Sandia Preparatory School.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Semi-Urban Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal goal for this area is to "maintain the character and identity of semi-urban areas which have environmental, social or cultural conditions limiting urban land uses."

Section D.7 (Education) states that the “Goal is to provide a wide variety of educational and recreational opportunities available to citizens from all cultural, age, and educational groups.” Policy D.7.a (Education) states “A variety of opportunities for post secondary and adult education and training shall be supported.”

Section D.8 (Human Services) states that “The Goal is to site human service facilities in locations that provide the greatest possible access to services and to consider human rights and human service needs in development and redevelopment throughout the Plan area.”

Policy D.8.a (Human Services) states that “Zoning, land use, transportation,, and economic development strategies shall be consistent with the goal of maximizing access to human services.”

North Valley Area Plan

This property is located within the Semi-Urban area of the North Valley Area Plan. The plan states that properties in this area may have special soil and water limitations or scenic, agricultural, or recreational assets, with the appropriate gross density at 1 to 3 dwelling units per acre.

Policy 2.3.c states that the City and County shall promote commercial development and redevelopment of existing commercially-zoned properties.

Policy 2d (Land Use) requires landscape buffering and other measures are necessary to limit potential impacts of non-residential uses on residential areas.

The property is also located in an area the Plan refers to as the Edith Blvd. corridor in a sub-area described as “rural-residential” between Osuna Rd. and Griegos Rd. However, the Plan does note that some locations within this area along Edith Blvd. have made a transition to manufacturing/heavy commercial uses. The Plan states that the “land use pattern should reflect the present zoning” (Appendix, p.4).

Bernalillo County Zoning Ordinance

Resolution 116-86 lists policies for evaluating a Zone Map changes and Special Use Permit applications.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.

- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or
 - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

ANALYSIS:

Surrounding Land Use and Zoning

The applicant has requested a Special Use Permit for Specific Use for a parking lot to be located on approximately 1.54 acres to the east of Edith Blvd. at the southeast corner of El Paraiso Rd. and Locust Ave. The property already has M-H zoning, which does not allow the type of use being requested. This use is compatible with the non-residential uses nearby the property along Edith Blvd., which were established in over the last twenty years under Special Use Permits, along with Sandia Preparatory School to the north. There are, however, residential properties to the immediate east, south, and west of this proposed use, which could be impacted by the development.

Plans

This property is located in the Semi-Urban Area. The Comprehensive Plan and the North Valley Area Plan suggest that this Area should retain its semi-rural, residential character and should not allow new permanent zone changes or special use permits for industrial or heavy commercial uses. In particular, the North Valley Area Plan states the preference for residentially-zoned properties to retain their residential uses. However, the Comprehensive Plan does recognize the need for education, community services and quality design, which could apply to this case.

Zoning Ordinance

It appears this request could be consistent with Resolution 116-86 of the Zoning Ordinance in that the particular use may be of relatively low intensity in contrast with other non-residential uses nearby. "Changed neighborhood conditions" could also be used as a justification for this request as there has been a trend towards non-residential uses in the area near Edith Blvd. However, the applicant should demonstrate that the use would not have a significant impact on adjacent residential properties and would be consistent with these uses, as opposed to those closer to Edith Blvd.

Agency Comments

County staff and representatives from other agencies have provided comments on this case. Most have no adverse comments for the proposed development.

The County Zoning Administrator indicates that the size of parking spaces is incorrect. The site plan shows spaces of 9 feet by 18 feet, when the Zoning Ordinance requires 8 feet by 20 feet. This may adversely affect backup into parking aisles. Clarification on the height of the indicated "opaque wall" should be noted on the plan (elevation drawings preferred) and the placement of additional trees is urged along the eastern property lines of Lot 1 and Lot 11, as it appears these areas are adjacent to existing homes (zoned M-H). The Zoning Administrator also recommends that evergreen trees be added to the types of trees and a statement referencing the party responsible for the perpetual maintenance of the provided landscaping should be included on the plan.

County Public Works staff state that information is needed for pedestrian drop off and crossings and on-site and near site circulation.

Analysis Summary

Zoning	
Resolution 116-86	Changed neighborhood conditions appear to have occurred near the site.
Requirements	Comply with code requirements for landscaping, fencing, parking, and surfacing.
Plans	
Comprehensive Plan	Use is not inconsistent with Semi-urban Area designation; is consistent with policies for Education.
Area Plan	Use appears to be inconsistent with North Valley Area Plan policies regarding maintaining existing residential uses.
Other Requirements	
Environmental Health	Has sewer and water accounts.
Public Works	Provide circulation, pedestrian crossing plan.

Conclusion

In conclusion, it appears that there is some justification for a Special Use Permit for Specific Use for a Parking Lot related to changed neighborhood conditions. However, additional explanation is needed for how the use would have limited impact on the surrounding area and would be consistent with policies in the North Valley Area plan regarding land use. Modifications are needed to the site plan regarding parking and pedestrian access and safety.

The applicant has yet to provide petitions of support from adjacent property owners and occupants, as required by Section 18.B.32 of the County Zoning Ordinance (Special Use Permit for Specific Use).

FINDINGS:

1. This request is for a Special Use Permit for a Specific for Parking Lot, on Lots 1, 11 & 12, Vineyard Addition #3, located at 600 El Paraiso Road NE and 605 & 609 Willow Road NE, zoned M-H, containing approximately 1.54 acres.
2. The property is located in the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
3. The applicant has not provided evidence of neighborhood support as required by Section 18.B.32 of the County Zoning Ordinance (Special Use Permit for Specific Use).
4. This request is consistent with the health, safety, and general welfare of the residents of the County.

DEFERRAL of CSU-60039, based on the above findings.

Catherine VerEecke
Program Planner

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

No comments received.

Environmental Health:

1. Water and sewer is connected to this property.
2. Mosquito control plan is required for the on-site ponding.
3. Pedestrian crossings shall be identified on the site plan.

Zoning Administrator

Proposed parking lot to be used in conjunction with Sandia Prep. The school is located within the municipal limits, while the parking lot is proposed on properties under the jurisdiction of the county. Aerial photos show that there is existing residential development on Lots 11 & 12 of this project.

A parking lot is first listed as a permissive use in the O-1 zone, and requires the following:

- (a) If street curbs and gutters exist adjacent to the parking lot property on a side where lot egress is allowed, the surfacing shall be blacktop for the width of the egress drive(s) and shall extend inward from the property line a minimum of 25 feet along all normal lines of egress traffic flow from the lot.
- (b) The lot shall have barriers which prevent vehicles from extending over the sidewalk or abutting lots, or beyond the sides of a parking structure.
- (c) A solid wall or fence at least six feet high shall be erected on sides which abut or face land in a R-1, R-2, A-1, A-2, or M-H residential zone. However:
 1. Such wall or fence shall be three feet high in the area within 11 feet of a public sidewalk or planned public sidewalk location.
 2. If the wall or fence plus retaining wall would have an effective height of over eight feet on the residential side, the Zoning Administrator shall decide the required height; such decision shall be made by the same process and criteria required for a conditional use.
- (d) In a parking structure, there shall be a six-foot solid wall on every parking level where the structure is within 19 feet of privately owned land in a residential zone.
- (e) Ingress and egress shall be designed to discourage parking lot traffic from using local residential streets for more than 150 feet, unless no reasonable alternative is available.
- (f) A parking lot hereafter developed shall include landscaping planted and maintained according to a Landscaping Plan approved by the Zoning Director; however, the Planning Commission may waive this requirement where it is found not useful to achieving the intent of this ordinance. [Sec. 12.B.(11)]

Additionally, a parking lot must meet the requirements of Section 21, including the surfacing of the lot with concrete or bituminous material, appropriate marking of the

spaces (striping, with standard spaces at 8' x 20' & handicapped spaces adjacent to a 36" access isle), and the inclusion of posted signs to designate the specific location of spaces to be used by disabled individuals (12" by 18" sign, posted 4 feet above grade & protected by a parking barrier).

SITE PLAN

Staff has noted that the proposed layout does not provide parking spaces that will meet the minimum requirements, as all of the spaces are only 18 feet in length (20' required). This may adversely affect the traffic circulation isles, and may not provide for sufficient backing area for the 10 spaces toward the NW corner of the site.

The 15-foot landscape buffer to be provided along the perimeter of the properties will meet the area requirement for landscaping, but staff recommends that evergreen trees be added to the types of trees. Clarification on the height of the indicated "opaque wall" should be noted on the plan (elevation drawings preferred), and the placement of additional trees is urged along the eastern property lines of Lot 1 and Lot 11, as it appears these areas are adjacent to existing homes (zoned M-H). Additionally, a statement referencing the party responsible for the perpetual maintenance of the provided landscaping should be included on the plan.

Zoning Enforcement Manager:

Must comply with below listed comments.

If approved shall comply with zoning regulations for Off- Street Parking Regulations for this permit.

Fire:

No comments.

Public Works:

DRAN:

1. This property is subject to the Bernalillo County Code Chapter 38 for flood damage prevention and storm drainage.
2. The conceptual grading and drainage plan submitted with this application is acceptable for this special use permit request.
3. A formal grading and drainage plan with full report and analysis meeting the requirements of Bernalillo County Code Chapter 38, Floods, and Flood Damage Prevention, prepared by an engineer licensed in the state of New Mexico and approved by Bernalillo County Public Works, is required prior to any development, re-grading or re-surfacing.
4. This property is subject to the National Pollution Discharge Elimination System as required by the Bernalillo County Code Chapter 38 Section 147. A Storm Water Pollution Prevention Plan (SWPPP) is required prior to any development.

DRE:

1. The applicant shall submit an on-site and local off-site vehicular movement plan to Public Works for review and approval prior to County Planning Commission approval of this special use permit. The plan shall include information on the projected vehicular stacking in the dropoff area. The dropoff area shall be shown to be adequate to prevent the backup of traffic onto Locust Street and El Paraiso Road.

2. The applicant shall submit a pedestrian movement and crossing plan for El Paraiso Road to Public Works for review and approval prior to County Planning Commission approval of this special use permit.

Parks & Recreation:

REVIEWED, NO COMMENT.

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

No adverse comment.

AMAFCA:

No comment.

City Planning Department:

No comments.

City Public Works:

Transportation Planning: No comments.

Transportation Development: Proposed Site Plan fronting El Paraiso (COA roadway) will need to comply with City of Albuquerque (COA) requirements for development which includes any proposed roadway improvements, curb and gutter, sidewalk (include wheel chair ramps) and any other infrastructure needed to comply with COA Ordinance and Development Requirements (design and standards).

Water Resources: No adverse comment.

City Transit:

No comments received.

City Open Space:

No comments.

APS

The request to construct a parking lot at Sandia Preparatory School will have no adverse impacts to the APS district.

NMDOT

Case description: Special Use Permit requested for parking lot.

Location: 600 El Paraiso Dr. NE, Albuquerque

Type of development (Residential/commercial): Private School

Possible Impact on NMDOT roadway(s): None

Departments Comments: None

NEIGHBORHOOD ASSOCIATIONS:

North Edith Corridor Association

Merritt Acres Neighborhood Association

Northeast Valley Neighborhood Association